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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NOS.8856/2007

The State of Maharashtra & others ...Petitioners
V/s.
Shri Balasaheb D. Madane ...Respondent

ALONGWITH
WRIT PETITION NO. 8859/2007

The State of Maharashtra & others ...Petitioners
V/s.
Shri Bapu Laxman Kharat ...Respondent

ALONGWITH
WRIT PETITION NO.8871 OF 2007

The State of Maharashtra and others ...Petitoners
V/s.
Shri Baban Alias Chandrakant B. Kharat ...Respondent

ALONGWITH
WRIT PETITION NO. 8872 OF 2007

The State of Maharashtra and others ...Petitioners
V/s.
Shri Prakash Jaysingh Gawade ...Respondent

ALONGWITH
WRIT PETITION NO.8873 OF 2007

The State of Maharashtra and others ...Petitioners
V/s.
Shri Rohidas B. Jadhav ...Respondent

Mr. N.P.Deshpande, AGP for the Petitioners

CORAM : B.H.MARLAPALLE,J.
DATED : 5th December, 2007

P.C.

. Heard Mr. Deshpande, the Learned AGP. All these petitions have been filed by the State of Maharashtra through the Executive Engineer, Pune Irrigation Division, Central Building, Pune praying for;

(a) quashing and setting aside the judgement and order of the Industrial Court at Pune in Revision Application (ULP) NO. 129/2001 and passed on 3-5-2002.

(b) quashing and setting aside the judgement and order dated 8-9-2006 rendered by the Labour Court in App(IDA) No. 104 to 108/2002.

2. It is made clear that the scope of these petitions is limited to the challenge raised against the common judgement and order dated 8-9-2006 passed by the Labour Court in Applications (IDA) Nos. 104 to 108/2002 and the Petitioners may take out other appropriate proceedings for challenging the judgement and order dated 3-5-2002 in Revision App(ULP) No. 129/2001 if permissible under the law.

3. The Respondent workman had filed complaint(ULP) Nos. 464,465,560 and 561/1993 and 145/94 before the Industrial Court at Pune and these complaints were allowed by a common judgement dated 26-9-1997 thereby directing the present Petitioners to take the Complainants on C.R.T. and pay them wages as applicable to the workmen on C.R.T. It appears in the meanwhile the Complainants were terminated from service and,therefore, they had approached the Labour Court by filing Comp(ULP) Nos.124 to 128/1996. These complaints were allowed on 6-10-2001 and the present petitioners were directed to reinstate the Complainants with continuity of service and full backwages from the date of termination till they were reinstated in service. This order dated 6-10-2001 came to be challenged by filing 5 separate Revision Applications i.e. Rev.App(ULP) Nos. 127 to 131/2001. The Revision Applications were dismissed by a common judgement dated 3-5-2002. During the last 5 years no steps were taken for challenging all these orders passed by the Labour Court and the Industrial Court and these orders had received finality. Under these circumstances the Complainants approached in the fresh form of litigation to the Labour Court by filing Applications under Section 33C(2) of the I.D. Act, 1947 stating that the Labour

Court's order granting reinstatement with backwages was confirmed by the Industrial Court and in the earlier order the Industrial Court had directed the Complainants to be taken on C.R.T. Hence,the workman claimed recovery of wages and other legal dues strictly as per the orders passed by the Labour Court and the Industrial Court as referred to herein above. These applications have been allowed by the impugned common judgement and order dated 8-9-2006.

4. The Labour Court referred to the evidence adduced by both the parties. One Shri Jadhav was examined as a witness of the present petitioners. He had admitted while in the witness box that the department had not implemented the order of the Labour Court. He also admitted that the committee headed by the Superintendent Engineer had fixed the rate of daily wages to the workers of that region for one year and that the Complainants were entitled for the minimum wages as applicable to the construction industry. On the statement of calculations of money dues annexed to the application by each of the workman, Shri Jadhav stated that he was not in a position to state whether the said submissions were correct or otherwise to submit right calculations. The Labour Court referred to the various orders passed by the Industrial Court at exhibit 16,

revision application order filed at exh. 18 and other documents at exh. 19,20 and 21. The Labour Court noted that there was no evidence on record furnished by the present petitioners indicating that they had filed any proceedings before this Court challenging the orders passed by the Industrial Court in the original complaints as well as the revision applications. The Labour Court, therefore, held that the claim for recovery of dues of salary and other benefits was required to be accepted and further held that Shri Prakash Gawade was entitled for a sum of Rs. 1,97,000/-, Bapu Laxman Kharat was entitled for Rs. 2,02,725.90 paise, Shri Balasaheb Madane was entitled for Rs. 1,97,000/-, Shri Rohidas Jadhav was entitled for Rs. 2,02,725.90 paise and Baban Kharat was entitled for Rs. 1,97,000/-. By the impugned order, the Labour Court directed the present petitioners to pay the said amounts.

5. The reasoning set out by the Labour Court in deciding the recovery applications cannot be termed to be perverse or grossly erroneous so as to call for interference under Article 227 of the Constitution. Hence, these petitions fail at the threshold and are hereby rejected summarily.

[B.H.MARLAPALLE,J.]